

the proper office for the district embracing the land sought; or before any person authorized by the laws of or pertaining to the State to administer oaths.

**§ 1821.4 Notations on applications.**

**§ 1821.4-1 Notation of rights-of-way.**

(a) In order that all persons making entry of public lands which are affected by rights-of-way may have actual notice thereof, a reference to such right-of-way should be made upon the original entry papers and upon the notice of allowance of the application issued to the entryman.

**§ 1821.4-2 When notation required.**

The authorized officer will make notations of rights-of-way on entry papers, only where his records show that the land involved, or some part of it, is covered by an approved application for right-of-way. See: *Minneapolis, St. Paul & Sault Ste. Marie Railway Co. v. Doughty* (208 U.S. 251, 52 L. ed. 474). Applicants to enter public lands that are affected by a mere pending application for right-of-way, should be verbally informed thereof and given all necessary information as to the character and extent of the project embraced by the right-of-way application; and, further, that they must take the land subject to whatever right may have attached thereto under the right-of-way application, and at the full area of the subdivisions entered, irrespective of the questions of priority or damages, these being questions for the courts to determine.

**§ 1821.5 Entries for lands in more than one land district.**

**§ 1821.5-1 Governing regulations.**

Persons desiring to make and perfect entries of land lying partly within one land district and partly within another will be governed by §§ 1821.5, 1823.4(a) and (b).

**§ 1821.5-2 Applications and fees to be filed in each office.**

Complete applications must be filed in each office, together with the usual fee and commissions payable for the land in each land district, besides any

other payment required by law. Each application should contain a proper reference to the other application.

**§ 1821.5-3 Mining claims.**

In applying for patent to a mining claim embracing land lying partly within one land district and partly within another, a full set of papers must be filed in each office, except that one abstract of title and one proof of patent expenditures will be sufficient. Only one newspaper publication and one posting on the claim will be required, but proof thereof must be filed in both offices, the statements as to posting plat and notice on the claim to be signed within the respective land districts, as well, also, as all of the other statements required in mineral patent proceedings, except such as, under the law, may be signed outside of the land district wherein the land applied for is situated. Publication, payment of fees, and the purchase price of the land will be further governed by the provisions of § 1823.4(a).

CROSS REFERENCE: For mining claims, see subpart 3821 of this chapter.

**§ 1821.6 Alaska.**

**§ 1821.6-1 Applications not to be rejected because executed more than 10 days prior to filing.**

Section 1821.2-2 directs authorized officers to reject all applications to make entry which are executed more than 10 days prior to filing. Until such time as the transportation facilities in Alaska are improved the provisions of said section will not be held applicable to applications filed in the proper offices of Alaska.

[35 FR 9514, June 13, 1970. Redesignated at 49 FR 35300, Sept. 6, 1984]

**§ 1821.6-2 Joint action to acquire public lands.**

(a) Ten or more persons may file in the proper office applications in a single group under any one or more of the laws relating to the acquisition of lands in Alaska, including the Homestead Laws (30 Stat. 409; 32 Stat. 1028; 48 U.S.C. 371), Small Tract Laws (52 Stat. 609, 59 Stat. 467; 43 U.S.C. 682a), Home-Site Law (48 Stat. 809; 48 U.S.C. 461) and Town-Site Laws (R.S. 2380-